

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BRIANNA PARKER,

*Plaintiff,*

v.

BILL MELTON TRUCKING CO., and  
EDWARD THACKER,

*Defendants.*

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CAUSE NUMBER: 3:15-cv-02528-G

**UNOPPOSED MOTION TO SUBSTITUTE PARTY AND SUGGESTION OF DEATH**

Brianna Parker (“Parker” or “Plaintiff”) suggest the death of Defendant Charles Edward Thacker (“Thacker”), and would show the court that, upon representation by Defendant Bill Melton Trucking Co., Thacker died on or about February 23, 2015. Upon information and belief, Thacker left surviving him heirs at law, under the laws of descent and distribution of the State of Texas.

Plaintiff, therefore, requests that this suggestion of the death of Charles Edward Thacker be entered of record, in open court, and that pursuant to Rule 152 of the Texas Rules of Civil Procedure, the Court require that Thacker’s executor or administrator, personal representative, heirs, or personal holding the same practical relation appear and defend this lawsuit on behalf of Charles Edward Thacker. *See, e.g. Estate of Pollack v. McMurrey*, 858 S.W.2d 388, 390 n.2 (Tex.1993). Additionally, FED.R.CIV.P. 25(a)(1) provides “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.” A copy of the lawsuit has been served upon Thacker’s mother. *See*, Dkt. No. 4-5.

Respectfully Submitted,

By: /s/ Aubrey “Nick” Pittman  
AUBREY “NICK” PITTMAN

**THE PITTMAN LAW FIRM, P.C.**  
100 Crescent Court, Ste. 700  
Dallas, Texas 75201-2112  
(214) 459-3454  
(214) 853-5912 (Telecopier)  
pittman@thepittmanlawfirm.com

**CERTIFICATE OF CONFERENCE**

I, the undersigned counsel, hereby certify that on October 14, 2015, I conferred with Defendant's counsel, Christopher Reed, about the relief requested in this motion, and he indicated that Defendant does not oppose the relief requested in this motion.

/s/ Aubrey "Nick" Pittman

**CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2015, the foregoing pleading was filed with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

/s/ Aubrey “Nick” Pittman  
Aubrey “Nick” Pittman